2021 Changes to the University Music Licence

Curtin participates in a collective music licence negotiated on our behalf by Universities Australia with the four music collecting societies in Australia – APRA, AMCOS, ARIA, and PPCA (APRA AMCOS and PPCA operate as a joint body for music licensing called OneMusic).

From 2021, the music licence (the ***Licence***) will have a number of additional rights that are set out below.

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# Graduation Ceremonies

For graduations, the Licence permits:

* Copying music to be played at the Graduation Ceremony.
* Playing featured or background music at the Graduation Ceremony. Unlike University Events, where tickets are issued for the Graduation Ceremony there is no threshold for ticket prices.
* Supplying recordings on a physical format to staff and students, and their immediate family, either at no cost or at a price on a cost recovery basis only.
* Streaming Graduation Ceremonies online (via the University website) for up to thirty days from the date of the ceremony. After 30 days, Curtin must remove the recording from the website, and only make it available to the University Community (staff, students, and alumni) and their immediate families via a Password-Protected Curtin Platform only (for example Blackboard or iLecture). For information on streaming recordings online, refer to [Videos Containing Music](#videos).

# Learning & Teaching

The licence permits use of music for Educational Purposes, defined as use in connection with a particular course of instruction or course of study, and/or for research purposes of the University. This excludes use of music for commercial, recruitment, or promotional activities.

For learning and teaching purposes, the licence covers:

* Copying music for learning and teaching (e.g. for the purposes of playing in class).
* Playing music for learning and teaching (e.g. in a live classroom setting).
* Communicating music via password protected University platforms in relation to a course of instruction (e.g. capturing the music in an iLecture recording available through iLecture or Blackboard). The recording cannot be made available for download, and must only be accessed by streaming.

For information on streaming recordings online, refer to on [Videos Containing Music](#videos).

# University Businesses

The Licence permits University Businesses to play background music, subject to the points below.

* A University Business is defined as a business or entity that is 100% owned by Curtin. It may operate under Curtin’s ABN, or another Curtin owned entity’s ABN. It may be located on or off campus.
* The business cannot be operated for any for profit purpose, but it can charge fees on a cost recovery basis.
* Generally, it should provide facilities to staff and students only. However there are exceptions – including retail, the John Curtin Gallery, and food or beverage outlets – as these businesses are ‘incidentally available’ to visitors.
* It can include a contractor engaged by Curtin, as long as the contractor does not provide services to customers directly as part of its business. For example, the Licence would apply to a Counselling Service if Curtin paid the practice a service fee rather than the staff or student paying the psychologist for the service.

Some specific examples covered by this section of the Licence:

* Curtin can transmit music on hold via Curtin’s telephone system.
* A Curtin owned and operated childcare centre can play both featured and background music is permitted, as long as the centre has the purpose of providing childcare to the children of Curtin staff and students.
* Curtin Stadium is not covered as the definition of “University Fitness Centre” only captures fitness centres where a university limits access to staff and students only.
* Student Guild businesses are not covered as the Student Guild is not owned and operated by Curtin, but is a separate incorporated entity with its own ABN.

# University Events

There are events organised by, or on behalf of, Curtin, and may be held on campus or off campus, and can be open to the public.

The Licence does not cover events promoted by, or managed by, a third party. If Curtin is collaborating with a third party organisation for part of an event, the application of the Licence needs to be assessed on a case-by-case basis. Contact Library@curtin.edu.au if you need further guidance.

For events, the licence covers:

* Copying music to be played at the University event;
* Playing featured or background music at the University Event, as long as the ticket price is less than AU $40 per person (including GST).
* Recording the University Event, and retaining copies for Curtin’s purposes (which include teaching, community engagement, staff and student services, promotion of student work, and promotion of in-house research).
* Supplying event recordings to staff, students, and their immediate family in physical format (e.g. DVD, USB, etc.), either at no cost or on a cost recovery basis only.

For information on streaming recordings online, refer to [Videos Containing Music](#videos).

If you intend to organise an event where the ticket price exceeds $40, contact One Music Australia (<https://onemusic.com.au/>) and ensure you give them at least two weeks’ notice to organise a licence to cover this use.

# University Premises

The Licence permits Curtin to play background music on its University premises, subject to the points below.

* University Premises must be owned or leased by Curtin, or by an entity that is 100% owned by Curtin.
* The use must be for University Purposes. The definition captures activities undertaken by Curtin as part of its usual business, including the promotion of student work and of in-house research. It specifically excludes commercial activities such as commercial research, advertising, recruitment, and promotion of the University or any third party product or service.
* Curtin can play background music in the workplace for the benefit of staff.
* The Licence does not permit the use of music by a third party operating in University Premises. Third parties need their own licence to play music. This includes the Student Guild and its clubs because the Guild is not owned and operated by Curtin but is a separate incorporated entity with its own ABN.
* Curtin Properties holds a separate music licence with PPCA to cover use of music by third parties for selected venues on campus.

# Videos Containing Music

The Licence distinguishes between *live performance* and *sound recordings* of music, and use of music *In Context* versus *Post Production*. This is because different collecting societies are responsible for these licences. *In Context* means music is captured at the same time you record video footage. *Post Production* means music is added to a video after you record the video footage.

The Licence permits limited use of music on Curtin websites and social media channels, for University Purposes only and excluding commercial purposes as follows:

|  |  |
| --- | --- |
| **Type of work** | **Place of Communication** |
| **Curtin Website** | **Curtin Social Media Channels** | **Password Protected Curtin Platform** |
| Live Performance | In Context | Yes | Yes | Yes |
| Post Production | Yes | Yes | Yes |
| Sound recording | In Context | Yes | No | Yes |
| Post Production | No | No  | Yes |

For this table:

* ***Curtin Website*** is an official Curtin web page or primary online domain (pages hosted on curtin.edu.au).
* ***Curtin Social Media Channels*** are pages managed by Curtin on third party platforms (e.g. YouTube, Facebook, and LinkedIn).
* ***Password Protected Curtin Platforms*** are platforms only accessible to Curtin staff, students, and alumni.

The use must be for University purposes, i.e. activities undertaken by the University as part of its usual business and excludes commercial activities. The Licence does not permit use of music for commercial research, advertising, recruitment, and promotion of Curtin or any third party product or service. For example:

* Showcasing student work to highlight Curtin has a world-class Arts unit would be non-commercial and permitted.
* Creating an advertisement showcasing student work with the tagline “study with Curtin, we are taking enrolments now” would be considered commercial and would not be permitted.

Other points:

* The recording must not include any advertising or promotional material on it other than the Curtin name, branding elements, and logos.
* Refer to [Events](#events) above for information relating to recording of events containing music.
* Music can be included in recordings made for learning and teaching purposes and made available through Blackboard or iLecture, however the recording must be made available as streamed access and not as a downloadable copy.
* If you are screening a film (for purposes other than learning and teaching), the music licence will cover the performance of music in the film, however you will need additional licensing to cover the other layers of copyright. Amalgamated Movies (<https://www.amalgamatedmovies.com/>) is an example of a company that offer film licensing.
* To use a sound recording for any excluded use, you need permission from the record label. Contact ARIA (business.affairs@aria.com.au) to identify the rights holder.

# Uses Covered by the Licence but Not Applicable to Curtin

The following uses are included in the Licence but do not apply to Curtin:

* ***Student Unions, Societies, Guilds, and Clubs*** – new rights apply where a University owns the Guild, or it operates under the ABN of the University. Curtin’s Student Guild operates as a separate incorporated entity with its own ABN, and are not captured by the Licence.
* ***University Businesses*** – new rights apply where a business or entity is 100% owned by the University and operating under the University’s ABN. Curtin has a range of business arrangements in place, and not all of them will be able to use the Licence.
* ***University Fitness Centres*** – the Licence only applies to fitness centres that are closed to the public. As Curtin Stadium is open to the public it is not captured by the Licence and must maintain its separate music licensing arrangements.

The following restrictions were contained in the previous licence and have continued in the new Licence. The following are not permitted and would require a separate licence:

* Use of Grant Rights Works in their entirety.
* Use whole or part of works in a Dramatic Context.
* Use whole or part of works in a ballet.
* Use any Choral Work of more than 20 minutes in duration.
* Use music to ‘burlesque’ the work.
* Use music where you use new or substituted lyrics.
* Adapt, remix, or alter the sound recordings.

# Sourcing music

Even if the use of music is permitted under the Licence, it is important that the copy is sourced from a legally authorised seller or platform. Legal sources include:

* Format shifting the music from a CD.
* Acquiring the music through iTunes.
* Streaming the music through Spotify.

Many online platforms have terms of use attached that affect how you can use music. It is important that you read these terms of use and understand how they apply in your situation. If you pay a fee to access music, make sure the subscription agreement permits institutional use and public performance – if the subscription agreement is for individual, personal use only then that subscription licence agreement may override the terms of the Licence.

# Contact Information

If you require further information about the music licence, contact Library-Copyright@curtin.edu.au or the Compliance Officer Amanda Bellenger on x7494.